

REMARKS

Claims 1-19 are currently pending in the patent application. The Examiner has rejected all of the claims under 35 USC 102(e) as anticipated by the Bark patent. For the reasons set forth below, Applicants respectfully assert that the invention as claimed in the amended claims is patentable over the cited art.

The present invention is directed to an apparatus, program storage device, and method for a node to monitor for changes in a communication session in which that node is participating. The changes in the communication session which are detected are the result of a new node or group of nodes entering into the communication session causing interference with, or a deterioration of the signal strength in, the signals of the existing session. Once changes have been detected and evaluated, the node then generates a signal to alter its own behavior as a result. Accordingly, the present application claims an apparatus, program storage device, and method for at least one node which is participating in the communication session to monitor signal strength (Claims 1-4, 9-13, 15-17 and 19) or signal interference (Claims 5-8, 14, and 18) as an indication of the appearance of a new radio station in that communication session. Based on the results of the monitoring and a comparison to a predetermined reference, the node then either initiates a node-based search for the new radio station (Claims 1-8, 13-14, JP919990207-US1

and 17-18) or alters the frequency at which monitoring is conducted by that node (Claims 9, 15-16, and 19).

In contrast, the Bark patent is directed to a system wherein multiple nodes are involved in measuring parameters and in generating responses to measured parameters. In Bark patent, a remotely-located mobile station performs monitoring of radio-related parameters (see: Col. 3, lines 45-60), determines if the monitored values exceed predefined thresholds (i.e., amount to a reportable "event"), and then sends a measurement report to a controller (Col. 8, lines 12-15). The controller then determines if action should be taken as a result of the reported measurements/events. The controller may then signal to the reporting mobile station and/or to other remote mobile stations to alter their actions as a result of the measurements/events (see: Col. 8, lines 50-55). For example, if the remotely-located mobile station, which may or may not be involved in a communication session, reports detecting high traffic volume in a cell, the controller may instruct that remote mobile station or other mobile stations to power off or to move to another cell.

Applicants respectfully assert that the Bark patent does not teach or suggest the invention as claimed. The Bark system requires both at least one remote mobile station for measuring radio parameters and a controller location for orchestrating the actions and responses to the measurements. In contrast, the JP919990207-US1

present invention provides apparatus in a communicating node for performing all of the tasks of monitoring, evaluating the results of the monitoring, generating a signal based on the evaluating of the results, and responding to the generated signal. All of the components are located at the communicating node and all of the functions are performed at and by the communicating node itself. Applicants have amended the language of the independent claims to highlight the foregoing. Applicants note that, under the present invention, more than one node in a system may be equipped with the claimed apparatus; however, each node that has the apparatus stands alone in its monitoring and its responses to the monitoring. Applicants respectfully assert that the Bark patent teachings of a system including mobile stations for obtaining measurements and a controller station for gathering the measurements and for generating responses to the measurements do not teach or suggest the invention as claimed.

It is well established under U. S. Patent Law that, for a reference to anticipate claim language under 35 USC 102, that reference must teach each and every claim feature. Since the Bark patent does not teach an apparatus and method for an apparatus in a node, which node is participating in a communication session, for initiating a search for a radio station by that node while participating in the communication session, and does not teach the apparatus or step of generating an initiation signal to initiate a search by that node or to

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alter the frequency of searching by that node when the detected signal information indicates the appearance of a new radio station, it cannot be maintained that the Bark patent anticipates the invention as claimed. Accordingly, Applicants respectfully request withdrawal of the anticipation rejections based on the Bark patent.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration of the amended claim language in light of the remarks, withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,

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